THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19524 of 1995

Dated:23.1.2007

Between

1.M.Nataraj and
others

.....Petitioners

and

1. Tirumala Tirupati Devasthanam
rep., by its Special Officer, Tirupati
and another.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19524 of 1995

ORDER:

This writ petition is filed seeking a Mandamus to direct the respondents to appoint the petitioners forthwith against any eligible post with all consequential and attendant benefits.

According to the petitioners, they are displaced inhabitants of Chandrababu Thota and Perindevi Thota of Thirumala for the purpose of beautification. The Devasthanam rehabilitated all 355 persons at Mangalam and Thatitopu of Thirupathi by providing house sites. The Tirumala Tirupati Devasthanam (for short 'TTD') also undertaken to provide jobs to all 355 persons. The Board has constituted a sub-committee in its resolution No.492 dated 19.9.1991 to go into the matter in detail. The sub-committee having examined the matter in detail and after

verification of each case by its decision dated 28.11.1991 recommended jobs to all 355 persons without undergoing the process of Employment Exchange. TTD Board in its resolution No.831 dated 20.01.1992 further resolved to appraise the Government for necessary orders. Accordingly, the Government was addressed a letter dated 4.7.1992. The petitioners recently came to know that the Government by its memo dated 31.10.1992 directed the 1st respondent to get all the 355 persons registered in the Employment Exchange, so that their names can be sent on preferential basis, while refusing the relax the procedure of Employment Exchange. The Assistant Executive Officer, Panchayat, TTD having verified all the 355 cases obtained the information in the proforma from each of the individual and after scrutiny he got 239 names registered by the Employment Exchange by rejecting the rest being filed in order to show how these things have been verified and to understand the procedure followed by the Devastanams. Out of 476 persons displaced, 121 persons have been

accommodated immediately without following the Employment Exchange, while refusing to relax the procedure in case of the petitioners, which is arbitrary and illegal. Besides this, while providing employment to the inmates of Venkateswara Bala Mandir and also to the Cooperative Stores run by the Employees Association, the Government relaxed the Employment Exchange procedure by G.O.Ms.No.787 dated 5.6.1982. Therefore, refusing to relax the said condition in case of the petitioners alone is arbitrary and illegal. Further, rehabilitation work has taken place in the year 1985-86 by the TTD. By purposefully delaying the appointments on some pretext or other, it is not open to the Devasthanam to deny their employment on the ground of over age etc. Therefore, the present writ petition is filed.

A detailed counter-affidavit has been filed on behalf of the 1st respondent, wherein it is asserted that the Executive Officer, TTDs, has not given job assurance to the petitioners. Infact, the petitioners have no right to claim jobs in TTDs straight away.

The case of the petitioners for appointment in TTD services will be considered as and when vacancies are notified to the Employment Exchange and they will be given preference in view of the Government order dated 31.10.1992. It is further stated that the petitioners are hawkers on Tirumala Hills. Some of them do not possess even valid licences at the time of demolition. They have not lost their properties. The genuine displaced persons were already accommodated as per the procedure. The TTD has identified the genuine displaced tenants of the slum at Tirumala and a format with Photo identification was evolved and the attestation made therein on the photo identification in respect of affected family members i.e, spouse/son/unmarried daughter as contemplated under the Rules and sent them to the Sub-employment Office, Tirupati. Out of the total 355 displaced tenants, about 70 persons are not covered within the definition of family under the rules, but they happened to be their alleged brothers, sisters, brother-in-law, grand son, grand daughters, adopted son and so on, but not on the

basis of age as stated by the petitioners. It is further stated that the Board of Trustees, in its resolution No.831 dated 21.1.1992 resolved to apprise the Government of the position and seek their orders. The Government in their Memo No.13629/E.III/2/92-3, dated 31.10.1992 declined to consider for granting exemption from the provision of Employment Exchange (compulsory notification of vacancies) Act, 1959.

In view of assertions made in the counter that the cases of the petitioners will be considered as and when their names are sponsored by the Employment Exchange, there is no necessity of passing any orders in the writ petition. If the names of the petitioners have been registered with the Employment Exchange, the respondents are directed to consider their cases, on preferential basis as per the scheme evolved by them.

Writ petition is disposed of accordingly. No costs.

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23.01.2007

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